



**CALIFORNIA STATE PERSONNEL BOARD**

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ARNOLD SCHWARZENEGGER, Governor



**CALIFORNIA STATE PERSONNEL BOARD MEETING**

801 Capitol Mall  
Sacramento, California

Public Session Location – 801 Capitol Mall  
Sacramento, California, Room 150  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall  
Sacramento, California, Room 141  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California Suite 620

**SUMMARY MINUTES – NOVEMBER 14, 2006**

## **MID MONTH MEETING MINUTES<sup>1</sup>**

**NOVEMBER 14, 2006**

### **PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

#### **1. ROLL CALL**

**William Elkins, President**  
**Sean Harrigan, Vice President**  
**Patricia Clarey, Member**

#### **2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**

- A.** Video screens are being installed in the Board Room to make it more useful for training and power point presentations.
- B.** Following the October 31, 2006 Board Meeting in San Diego, a lot of positive feedback was received from the staff and attendees of the planning session. The results of the meeting will help set the priorities for reforming the state's civil service system.
- C.** The BCP process is coming to a close as Finance is making its final decisions for its proposed 2007-08 budget which will be released in January.
- D.** President Elkins and staff will be meeting with a few department directors to examine their EEO statistics.
- E.** The SPB has received correspondence with Mr. Hager from the Receiver's Office.

#### **3. REPORT OF THE CHIEF COUNSEL – Elise Rose**

##### **Litigation:**

- Kimberly T. v. State Personnel Board (CDCR) - Court denied petition for writ of mandate in this case of a correctional officer who had been dismissed for permitting an inmate to type a confidential memorandum, using a telephone on institutional grounds to harass an off duty officer and for lying about the call. In a second adverse action, the appellant was charged with engaging in an overly familiar and sexual relationship with an inmate on institutional grounds while on duty. Court found substantial evidence to support the Board's decision sustaining the dismissal.

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<sup>1</sup> The Minutes for the Board Meetings can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

**Other:**

- Two letters have been received from John Hagar, Chief of Staff for the Receiver Robert Sillen. The first letter pertained to the Board's failure to adopt a resolution waiving pre-employment drug testing for persons being hired by the Receiver into the LVN (Safety) class. The other letter pertains to a case where the SPB modified a dismissal of an MTA to a 6 months suspension.
- The Board has distributed a draft of the regulations pertaining to cost savings analysis of personal services contracts.

**4. NEW BUSINESS**

**NONE PRESENTED**

**5. REPORT ON LEGISLATION – Sherry Evans**

**NONE PRESENTED**

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**6. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]  
(See Action Taken on Pages 8–14)

**8. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.  
[Government Code sections 11126(e)(1) and 18653.]

International Union of Operating Engineers v. State Personnel Board,  
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

Patrick McCollum v. State of California  
United States District Court, Northern District of California  
Case No. C 04-03339 CRB

**9. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature.  
[Government Code section 18653.]

**NO ACTION**

**10. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor.  
[Government Code section 18653.]

**NO ACTION**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**11. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF  
DECEMBER 5-6, 2006, IN SAN FRANCISCO, CALIFORNIA**

**NONE**

**BOARD ACTIONS:**

**12. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF  
OCTOBER 10, 2006**

**ACTION: ADOPTED**

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

**13. EVIDENTIARY CASES**

**ACTION: See Case Listings on Pages 8–16**

**14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE  
SECTION 18671.1 EXTENSION - (See Minutes on Pages 23–24)**

**15. NON-EVIDENTIARY CASES**

**ACTION: See Case Listings on Pages 16–20**

**16. NON-HEARING CALENDAR**

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

On November 14, 2006, the following proposals were presented to the Board by Karen Coffee, Chief, Merit Employment and Technical Resources Division, California State Personnel Board.

**ACTION: ADOPTED**

VOTE: Elkins, Harrigan, Clarey – Aye

**A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**CHIEF DEPUTY COUNSEL, CALIFORNIA LAW REVISION COMMISSION**

The Department of General Services on behalf of the California Law Revision Commission proposed to re-title the existing class of Assistant Executive Secretary, California Law Revision Commission to the above title to better describe the position's role at the commission.

**B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

**NONE**

**17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**NONE**

**18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**ASSISTANT EXECUTIVE OFFICER, SURFACE WATER PROGRAMS**

The State Water Resources Control Board on behalf of the San Francisco Regional Water Quality Control Board proposes to allocate the above position to the CEA category. The Assistant Executive Officer, Surface Water Programs performs a high administrative and policy influencing function in setting regional and statewide policies and procedures related to four programmatic Divisions.

**ASSISTANT EXECUTIVE OFFICER, GROUNDWATER AND ADMINISTRATIVE SERVICES PROGRAMS**

The State Water Resources Control Board on behalf of the San Francisco Regional Water Quality Control Board proposes to allocate the above position to the CEA category. The Assistant Executive Officer, Groundwater and Administrative Services Programs performs a high administrative and policy influencing function in setting regional and statewide policies and procedures related to four programmatic Divisions.

**DEPUTY DIRECTOR, ENFORCEMENT**

The Department of Toxic Substances Control proposes to reallocate an existing CEA allocation titled Division Chief, Statewide Compliance Division to the Deputy Director, Enforcement. The Deputy Director, Enforcement will develop, evaluate and implement policy related to enforcement efforts within the department.

**SOUTHERN REGIONAL LIAISON, DIVISION OF COMMUNITY PARTNERSHIP**

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Southern Regional Liaison, Division of Community Partnership will be responsible for developing and implementing regional operational policies for initiation and maintenance of successful collaborations with local government, community based providers and foundations, and others in creating evidence-based adult offender re-entry programs supported on best practices.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**CHIEF, EXTERNAL AFFAIRS**

The Office of Emergency Services proposal to allocate the above position to the CEA category has been approved effective September 29, 2006.

**CHIEF, OFFICE OF RESEARCH AND DATA ANALYSIS**

The Department of Toxic Substances Control proposal to allocate the above position to the CEA category has been disapproved effective October 17, 2006.

**DEPUTY DIRECTOR, BUSINESS OPERATIONS**

The Department of Water Resources proposal to allocate the above position to the CEA category has been approved effective October 17, 2006.

**DEPUTY DIRECTOR, PUBLIC SAFETY AND SECURITY**

The Department of Water Resources proposal to re-allocate the existing CEA allocation titled Deputy Director, Public Safety and Operations to the above position has been approved effective October 17, 2006.

**CHIEF, TECHNOLOGY BRANCH**

The Office of Emergency Services proposal to allocate the above position to the CEA category has been approved effective October 17, 2006.

\*\*\*Note: This position was originally titled Chief, Information Technology Branch and has been re-titled Chief, Technology Branch\*\*\*

**ACTION: NOTED**

**19. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**20. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**NONE**

**21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**NONE**

**22. BOARD ACTIONS ON SUBMITTED ITEMS**

**ACTION: See Minutes on Pages 21–22**

**A D J O U R N M E N T**

**WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 13 – 15  
AS NOTED.**

**13. EVIDENTIARY CASES**

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

**A. BOARD CASES SUBMITTED**

These items have been taken under submission by the State Personnel Board at a prior meeting.

On November 14, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Clarey

**(1) CASE NO. 05-1737RPA**

Appeal from dismissal

**Classification:** Psychiatric Technician Assistant

**Department:** Department of Developmental Services

Petition for Rehearing granted March 8, 2006.

Oral argument heard July 11, 2006.

Case ready for decision by FULL Board.

**NO ACTION**

**(2) CASE NO. 05-2596A**

**CASE NO. 05-2592 & 06-0016A**

Appeal from formal reprimand and formal reprimand and five workday's suspension

**Classification:** Physician and Surgeon, Correctional Facility

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected June 6, 2006.

Oral argument heard October 10, 2006.

Case ready for decision by FULL Board.

**NO ACTION**



**(3) CASE NO. 05-3030A**

Appeal from constructive demotion

**Classification:** Officer Technician

**Department:** Department of Developmental Services

Proposed decision rejected May 2, 2006.

Oral argument heard October 31, 2006.

Case ready for decision by FULL Board.

**NO ACTION**

**(4) CASE NO. 05-1351A**

Appeal from dismissal

**Classification:** Youth Correctional Officer

**Department:** Department of the Youth Authority

Proposed decision rejected April 4, 2006.

Oral argument heard September 5, 2006.

Case ready for decision by FULL Board.

**NO ACTION**

**(5) CASE NO. 05-1875A**

Appeal from rejection during probationary period

**Classification:** Equipment Material Specialist

**Department:** Department of Transportation

Proposed decision rejected August 8, 2006.

Oral argument heard October 31, 2006.

Case ready for decision by FULL Board.

**NO ACTION**

**(6) CASE NO. 05-0078A**

Appeal from dismissal

**Classification:** Workers' Compensation Payroll Auditor

**Department:** State Compensation Insurance Fund

Proposed decision rejected May 23, 2006.

Oral argument heard September 5, 2006.

Case ready for decision by FULL Board.

**NO ACTION**

**(7) CASE NO. 05-0207PA**

Appeal from constructive medical suspension

**Classification:** Facility Captain

**Department:** Department of Corrections and Rehabilitation

Petition for Rehearing granted March 8, 2006.

Oral argument heard October 10, 2006.

Case ready for decision by FULL Board.

**ACTION: The Board took action at the October 10, 2006 Board Meeting. The action was reflected on the record at the December 5, 2006 Board Meeting.**

**(8) PSC NO. 06-03**

Appeal from Executive Officer Decision Disapproving Personal Services Contract for Unarmed Security Guard Services

**Department:** Department of California Highway Patrol

**Employee Organization:** Services Employees International Union, Local 1000 (CSEA)

Oral argument heard October 10, 2006.

Case ready for decision by FULL Board.

**NO ACTION**

**B. CASES PENDING**

**ORAL ARGUMENTS**

**NONE**

**C. CHIEF COUNSEL RESOLUTIONS**

**NONE**

**COURT REMANDS**

**NONE**

**STIPULATIONS**

**NONE**

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These were ALJ proposed decisions submitted to the Board for the first time.

On November 14, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Clarey

**(1) CASE NO. 05-0012E**

Appeal for denial of reasonable accommodation/discrimination complaint

**Classification:** Office Assistant (General)

**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board adopted the ALJ's Proposed Decision denying the complaint.

**(2) CASE NO. 05-1283**

Appeal from rejection during probation

**Classification:** Youth Correctional Counselor

**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board adopted the ALJ's Proposed Decision affirming the rejection and denying the appeal.

**(3) CASE NO. 05-0551**

**CASE NO. 06-0552**

**CASE NO. 06-0557**

Appeal from rejection during probation

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board adopted the ALJ's Proposed Decision affirming the rejection and denying the appeal.

**(4) CASE NO. 06-0760**

Appeal from rejection during probation

**Classification:** Parole Agent I (Adult Parole)

**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board rejected the ALJ's Proposed Decision revoking the rejection.

- (5) **CASE NO. 05-1010**  
**CASE NO. 05-1081**  
**CASE NO. 05-1080**  
**CASE NO 05-1258**  
Appeal from dismissal  
**Classification:** Correctional Captain, Correctional Sergeant, Correctional Officer's  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissals.
- (6) **CASE NO. 04-2156**  
Appeal from demotion  
**Classification:** Staff Services Manager II (Supervisory)  
**Department:** Department of California Highway Patrol  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the demotion.
- (7) **CASE NO. 06-0499**  
Appeal from rejection during probation  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision affirming the rejection and denying the appeal.
- (8) **CASE NO. 06-1770**  
Appeal ten percent reduction in salary for 13 months  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision modifying the reduction in salary.
- (9) **CASE NOS. 06-0780 & 06-1101**  
Appeal from rejection during probation and 34 working days' suspension  
**Classification:** Associate Personnel Analyst  
**Department:** Department of Education  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the suspension.
- (10) **CASE NO. 05-1041**  
Appeal from dismissal  
**Classification:** Material and Stores Specialist  
**Department:** Department of General Services  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.

- (11) **CASE NO. 06-0071**  
Appeal from five percent reduction in salary for 12 months  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board modified the ALJ's Proposed Decision to a five percent reduction in salary for six months.
- (12) **CASE NO. 03-1989**  
Appeal from 15 working days' suspension  
**Classification:** Commercial Vehicle Inspection Specialist I  
**Department:** Department of California Highway Patrol  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the suspension.
- (13) **CASE NO. 06-0410**  
Appeal from five percent reduction in salary for 13 months  
**Classification:** Stationary Engineer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the reduction in salary.
- (14) **CASE NO. 06-0822**  
Appeal from dismissal  
**Classification:** Transportation Engineer, Caltrans (Civil)  
**Department:** Department of Transportation  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (15) **CASE NO. 05-0733**  
Appeal from dismissal  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (16) **CASE NO. 05-1888**  
Appeal from non-punitive termination  
**Classification:** Clinical Dietician  
**Department:** Department of Developmental Services  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the non-punitive termination.
- (17) **CASE NO. 04-0832**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.

**(18) CASE NO. 06-1568**

Appeal from demotion

**Classification:** Correctional Captain

**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board adopted the ALJ's Proposed Decision revoking the demotion.

**PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING**

NONE

**PROPOSED DECISIONS AFTER BOARD REMAND**

NONE

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

NONE

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On November 14, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Clarey

**(1) CASE NO. 03-2646RP & 04-0386RP**

Appeal from ten percent reduction in salary for six pay periods and dismissal

**Classification:** Office Technician (Typing)

**Department:** Department of Forestry and Fire Protection

**ACTION:** Petition for rehearing denied.

**(2) CASE NO. 05-4416P**

Appeal from ten percent reduction in salary for 13 pay periods

**Classification:** Medical Technical Assistant (Correctional Facility)

**Department:** Department of Corrections and Rehabilitation

**ACTION:** Petition for rehearing granted.

**WHISTLEBLOWER NOTICE OF FINDINGS**

**NONE**

**F. PENDING BOARD REVIEW**

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

**(1) CASE NO. 05-0053A**

Appeal from dismissal

**Classification:** Park Maintenance Assistant

**Department:** Department of Parks and Recreation

Proposed decision rejected October 10, 2006.

Pending transcript.

**NO ACTION**

**(2) CASE NO. 05-2211A**

Appeal from dismissal

**Classification:** Senior Tax Compliance Representative

**Department:** Employment Development Department

Proposed decision rejected September 20, 2006.

Transcripts prepared.

**NO ACTION**

**(3) CASE NO. 05-2888PA**

Appeal from dismissal

**Classification:** Staff Services Analyst (General)

**Department:** Department of Consumer Affairs

Petition for rehearing granted October 31, 2006.

Pending transcripts.

**NO ACTION**

**(4) CASE NO. 05-0638A**

Appeal from dismissal

**Classification:** Conservationist I

**Department:** California Conservation Corps

Proposed decision rejected September 5, 2006.

Transcript prepared.

**NO ACTION**

(5) **CASE NO. 05-1567A**

Appeal from dismissal

**Classification:** Housing Finance Specialist (General)

**Department:** California Housing Finance Agency

Proposed decision rejected July 11, 2006.

Oral argument originally set October 31, 2006, San Diego.

Continued to December 5-6, San Francisco.

**NO ACTION**

(6) **CASE NO. 04-2919EPA**

Appeal of discrimination and retaliation

**Classification:** Physician and Surgeon

**Department:** Department of Corrections and Rehabilitation

Petition for rehearing granted September 20, 2006.

Transcript prepared.

**NO ACTION**

(7) **CASE NO. 06-0392A**

Appeal of five percent reduction in salary for 24 months

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected October 31, 2006.

Pending transcript.

**NO ACTION**

**15. NON-EVIDENTIARY CASES**

**A. WITHHOLD APPEALS**

Cases were heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**WITHHOLD FROM CERTIFICATION**  
**CASES HEARD BY A STAFF HEARING OFFICER**

**NONE**



**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

On November 14, 2006, the Board adopted, as indicated below, the following items as presented by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Elkins, Harrigan, Clarey

- (1) **CASE NO. 05-3654**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; arrest/conviction record.  
**ACTION: DENIED**
- (2) **CASE NO. 05-4121**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; illegal drug activity.  
**ACTION: DENIED**
- (3) **CASE NO. 05-3653**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; a negative driving record and negative law enforcement contacts.  
**ACTION: DENIED**
- (4) **CASE NO. 05-4200**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative law enforcement contacts and omitting pertinent information.  
**ACTION: DENIED**
- (5) **CASE NO. 05-3682**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; a negative driving and employment record, negative law enforcement contacts and failure to meet legal obligations and arrest/conviction record.  
**ACTION: DENIED**
- (6) **CASE NO. 05-3626**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted information, furnished inaccurate information and a negative employment record.  
**ACTION: DENIED**

- (7) **CASE NO. 05-4365**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted information, had a negative driving record and negative law enforcement contacts.  
**ACTION: DENIED**
- (8) **CASE NO. 05-3243**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information, negative law enforcement contacts and an arrest/conviction record.  
**ACTION: DENIED**
- (9) **CASE NO. 05-3246**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted information and furnished inaccurate information.  
**ACTION: DENIED**
- (10) **CASE NO. 05-2844**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; firearms prohibition.  
**ACTION: DENIED**
- (11) **CASE NO. 05-3655**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; failed to complete the pre-employment documents.  
**ACTION: DENIED**
- (12) **CASE NO. 05-3035**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information and received a DUI and/or Wet Reckless.  
**ACTION: DENIED**
- (13) **CASE NO. 05-3252**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative law enforcement contacts, furnished inaccurate information and omitted pertinent information.  
**ACTION: DENIED**

- (14) **CASE NO. 05-3251**  
**Classification:** Motor Vehicle Field Representative  
**Department:** Department of Motor Vehicles  
**Issue:** Suitability; probationary status.  
**ACTION: DENIED**
- (15) **CASE NO. 05-3250**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative law enforcement contacts and omitted pertinent information.  
**ACTION: DENIED**
- (16) **CASE NO. 06-0221**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; failed to complete pre-employment documents.  
**ACTION: DENIED**
- (17) **CASE NO. 05-3239**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; a negative employment record and omitted pertinent information.  
**ACTION: DENIED**
- (18) **CASE NO. 05-3373**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; a negative employment record and omitting pertinent information.  
**ACTION: DENIED**
- (19) **CASE NO. 05-3247**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted information and furnished inaccurate information.  
**ACTION: DENIED**
- (20) **CASE NO. 05-3245**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; a negative employment record and furnished inaccurate information.  
**ACTION: DENIED**

**(21) CASE NO. 05-3249**

**Classification:** California Highway Patrol

**Department:** CHP Cadet

**Issue:** Suitability; omitted pertinent information.

**ACTION:** DENIED

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases were heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board was presented recommendations by a Hearing Panel on each appeal.

- **CASE NO. 06-2555N**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** DISMISSED
- **CASE NO. 06-1148N**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** DISMISSED
- **CASE NO. 06-1005N**  
**Classification:** Medical Technical Assistant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** DISMISSED

**C. EXAMINATION APPEALS**  
**MINIMUM QUALIFICATIONS**  
**MERIT ISSUE COMPLAINTS**

NONE

**D. RULE 211 APPEALS**  
**RULE 212 OUT OF CLASS APPEALS**  
**VOIDED APPOINTMENT APPEALS**

NONE

**E. REQUEST TO FILE CHARGES CASES**

NONE

**PETITIONS FOR REHEARING CASES**

NONE

**SUBMITTED**

**1. TEACHER STATE HOSPITAL (SEVERELY), ETC.**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**3. TELEVISION SPECIALIST (SAFETY)**

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

**NO ACTION**

**4. HEARING – Personal Services Contract #04-03**

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

**NO ACTION**

**5. HEARING**

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

**NO ACTION**

**6. CASE NO. 05-1737RPA**

Appeal from dismissal. Psychiatric Technician Assistant. Department of Developmental Services. (Oral argument held July 11, 2006.)

**NO ACTION**

**\*7. CASE NO. 00-3446**

Appeal to set aside resignation. Police Officer. California State University, Fresno. (Oral argument held September 5, 2006.)

**NO ACTION**

**\*8. CASE NO. 05-1351A**

Appeal from dismissal. Youth Correctional Officer. Department of Corrections and Rehabilitation. (Oral argument held September 5, 2006.)

**NO ACTION**

**\*9. CASE NO. 05-0078A**

Appeal from dismissal. Workers' Compensation Payroll Auditor. State Compensation Insurance Fund. (Oral argument held September 5, 2006.)

**NO ACTION**

**\*10. CASE NO. 05-2596A**

**CASE NO. 05-2592A & 06-0016A**

Appeal from official reprimand and official reprimand and five workdays' suspension. Physician and Surgeon. Correctional Facility. Department of Corrections and Rehabilitation. (Oral argument held October 10, 2006.)

**NO ACTION**

**11. CASE NO. 05-4330A**

Appeal from dismissal. Custodian Supervisor II. Department of Corrections and Rehabilitation. (Oral argument held October 10, 2006.)

**ACTION: The Board took action at the October 10, 2006 Board Meeting. The action was reflected on the record at the December 5, 2006 Board Meeting.**

**12. CASE NO. 05-0207PA**

Appeal for petition for rehearing. Facility Captain. Department of Corrections and Rehabilitation. (Oral argument held October 10, 2006.)

**ACTION: The Board took action at the October 10, 2006 Board Meeting. The action was reflected on the record at the December 5, 2006 Board Meeting.**

**\*13. PSC NO. 06-03**

Appeal from Executive Officer Decision Disapproving Personal Services Contract for Unarmed Security Guard Services. Department of the California Highway Patrol. Service Employees International Union, Local 1000 (CSEA). (Oral argument held October 10, 2006.)

**NO ACTION**

**14. CASE NO. 05-3030A**

Appeal constructive demotion. Office Technician. Department of Developmental Services. (Oral argument held October 31, 2006)

**NO ACTION**

**15. CASE NO. 05-1875A**

Appeal from rejection during probationary period. Equipment Material Specialist. Department of Transportation. (Oral argument held October 31, 2006)

**NO ACTION**

*\* Item was inadvertently left out from this section of the agenda.*

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

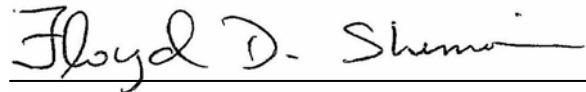
**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*



I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on November 14, 2006.

VOTE: Elkins, Harrigan, Clarey – Aye

A handwritten signature in black ink, reading "Floyd D. Shimomura", written over a horizontal line.

Floyd Shimomura  
Executive Officer  
California State Personnel Board